# United States District Court, Northern District of Illinois

| Name of Assigned Judge or Magistrate Judge | Milton I. Shadur | Sitting Judge if Other than Assigned Judge | |
|---|---|---|---|
| **CASE NUMBER** | 02 C 600 | **DATE** | 10/21/2002 |
| **CASE TITLE** | Joe N. Sherrod-Bey vs. Robert Griffin, et al | | |

**MOTION:**

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## DOCKET ENTRY:

(1) ☐ Filed motion of [ use listing in "Motion" box above.]

(2) ☐ Brief in support of motion due _____.

(3) ☐ Answer brief to motion due_____. Reply to answer brief due_____.

(4) ☐ Ruling/Hearing on _____ set for _____ at _____.

(5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) ☐ Trial[set for/re-set for] on _____ at _____.

(8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
  ☐ FRCP4(m)  ☐ Local Rule 41.1  ☐ FRCP41(a)(1)  ☐ FRCP41(a)(2).

(10) ■ [Other docket entry]  Enter Memorandum Opinion and Order. Accordingly, Griffin's answer is stricken in its entirety. Leave is granted to Griffin to file a self-contained Amended Answer on or before October 31, 2002, failing which all of the corresponding paragraphs of Sherrod-Bey's Complaint will be deemed admitted.

(11) ■ [For further detail see order attached to the original minute order.]

| | | | | Document Number |
|---|---|---|---|---|
| | No notices required, advised in open court. | | | |
| | No notices required. | | number of notices | |
| ✓ | Notices mailed by judge's staff. | | OCT 2 3 2002 | |
| | Notified counsel by telephone. | | date docketed | 24 |
| | Docketing to mail notices. | | | |
| | Mail AO 450 form. | | docketing deputy initials | |
| | Copy to judge/magistrate judge. | | 10/22/2002 | |
| SN | courtroom deputy's initials | | date mailed notice | |
| | | | SN | |
| | | Date/time received in central Clerk's Office | mailing deputy initials | |

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOE N. SHERROD-BEY          )
                            )
          Plaintiff         )
                            )   Case No. 02 C 0600
     vs.                    )
                            )
ROBERT GRIFFIN, PETER KING, )
C. CONDITT, G. BUSHEL,      )
                            )
          Defendants.       )

MEMORANDUM OPINION AND ORDER

Robert Griffin ("Griffin"), represented by an Assistant
Attorney General, has filed an answer to the 42 U.S.C. § 1983
Complaint brought by Joe Sherrod-Bey ("Sherrod-Bey") against
Griffin and three other defendants. This memorandum order is
issued *sua sponte* because Griffin's counsel reveals himself to be
among the federal practitioners who either have not read the
plain language of the Fed. Rules of Civ. P. ("Rules") as to
responsive pleadings or, having read them, chooses to ignore
them.[1]

Rule 8(b)'s second sentence provides a safe harbor for a
pleader who is not in a position to either admit or deny a
plaintiff's allegation. Yet despite the clarity of the road map
marked out by that sentence, Griffin's Answer is chock full of
responses (or more accurately non-responses) that don't conform

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[1]     It may be a toss-up as to which of those alternatives
is worse, but for present purposes it doesn't matter.

to those requirements -- see Answer ¶ 6-11, 14, 15, 22-33, 52-53, 56-60, 62 (both paragraphs bearing that number), 64, 68 and 69. In that respect, see Appendix 1 to State Farm Mut. Auto Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001).

Accordingly, Griffin's answer is stricken in its entirety (to eliminate any need to consult two separate documents to see what and what is not being placed in issue). Leave is granted to Griffin to file a self-contained Amended Answer on or before October 31, 2002, failing which all of the corresponding paragraphs of Sherrod-Bey's Complaint will be deemed admitted.



Milton I. Shadur
Senior United States District Judge


Date:      October 21, 2002